



LAND USE SERVICES DEPARTMENT PLANNING STAFF REPORT



HEARING DATE: October 19, 2006

AGENDA ITEM NO: 4

Project Description

Applicant: Land Use Services Department
Proposal: General Plan Update project to include: an update of the County General Plan goals, policies and maps (including associated land use district changes); the establishment of 13 community plans; and a complete revision to Title 8 of the San Bernardino County Code (the Development Code).
Index: CW1-849N
CATS: 00243CQ0
Community: Countywide
Location: Countywide
Staff: Randy Scott

Background

Updated Development Code

The Phase I Report for the General Plan Update Program evaluated the 1989 General Plan's effectiveness in achieving its identified goals and determined that the County Development Code would have to be updated to address all new goals and policies included in the revised Plan. The reports states, "It is virtually certain that following (or in concert with) the Update of the General Plan that significant revisions to the Development Code will need to occur. The changes will be necessary in order to implement revisions to the General Plan that are expected to be adopted as part of the Update process. While we do not anticipate a need for wholesale revision to the Development Code, we do expect significant modifications."

The Board of Supervisors agreed with this determination and made the update of the Development Code part of the overall program. The budget approved by the Board for the update included the concurrent revision to the Development Code. The proposed Development Code (Title 8 of the County Code) would replace the existing Development Code in its entirety. The Development Code implements the goals and policies of the General Plan, and all community plans, by classifying and regulating the uses of land and structures within the County. The purpose of the Development Code is to promote and protect the public health, safety and general welfare of County residents. Therefore, to satisfy one of the overall objectives of the Board, the Development Code has been rewritten to modernize the document to be more understandable and user-friendly.

Reorganization

The most obvious difference between the current Code and the proposed revision is that it has been completely reorganized. The first question that most people ask County staff concerning development is one of the following: "What can I do on my property?" or "What zoning do I

Action taken by the Planning Commission on this item may be appealed to the Board.
Note: Recommendations to the Board of Supervisors are not appealable.

Yes ☐ No ☒

need to establish a specified business?" Recognizing this fact, the proposed code has been reorganized to provide the regulations pertaining to allowed land uses and development standards at the beginning of the Code. The following is a side-by-side comparison between the current Code and the proposed Code relative to the Code organization:

Division Number	Current Code	Proposed Revised Code
1	General Provisions	Development Code Authority and Applicability
2	Reviewing Authorities	Land Use Zoning Districts and Allowed Land Uses
3	Procedures	Countywide Development Standards
4	Land Uses	Standards for Specific Land Uses and Activities
5	Overlay Districts	Permit Application and Review Procedures
6	Planning Areas and Specific Plans	Development Code Administration
7	General Design Standards	Subdivisions
8	Specific Use Design Standards	Resource Management and Conservation
9	Plant Protection and Management	Public Facilities Financing
10	Soil and Water Conservation	Definitions
11	Public Facilities Financing	
12	General Definitions	

In the reorganized format, the use of tables and illustrations has been greatly expanded to aid in the clarity of the code provisions. The most prominent example of the expanded use of tables is the addition of the land use and development standards tables in Division 2. The land use provisions in the proposed Code are addressed in four separate chapters in the division, each covering a specific grouping of land use zoning districts. These groupings include Agricultural and Resource Management, Residential, Commercial, and Industrial and Special Purpose Land Use Zoning Districts. A separate table is included in each of these chapters for the following topics: minimum district sizes, the allowed land uses and permit requirements, minimum lot sizes, and the development standards for each district within the group. Attached are extracts from Division 2 showing this use of tables. Other divisions within the Code include tables for such topics as general performance standards, projections into setbacks, allowed density bonuses for Affordable Housing Incentive projects, sign standards, review authority for land use applications, etc. Basically, anything that can be expressed through a table has been converted to this format in an attempt to add clarity to the document.

There is also an expanded use of figures or diagrams to show specific concepts. These include figures on clear sight triangles, screening and buffering, location and measurement of setbacks, setbacks on irregularly shaped lots, hillside grading, patterns of landscaping, and a number of other issues. Again, these were added to bring increased clarity to the document.

As part of this reorganization, the provisions for several different sections of the current code have been combined into one division in some cases, or split into two separate divisions in other cases. The "lumping" and "splitting" has occurred to combine like topics and, conversely, separate unlike topics. Accordingly, the provisions for the Land Use Zoning Districts, the Overlay Districts and Planning Areas were combined to form Division 2 (Land Use Zoning Districts and Allowed Land Uses), and the provisions for plant protection and soil and water conservation were combined to form Division 8 (Resource Management and Conservation) of the new code. Also, the current provisions on procedures were divided into Divisions 5, 6 and 7 (Permit Application and Review Procedures, Subdivisions and Development Code Administration). The expectation is that this format will help make the code easier to read and understand.

Development Review Processes

The land use approval/site design review processes delineated in the current code have been realigned and, in some cases, renamed. The following table shows the equivalent processes between the current code and the proposed revisions:

Current Code	Proposed Revised Code
• Occupancy Review	• Tenant Improvement Permit
• Land Use Review	• Site Plan Permit
• Department Review	• Minor Use Permit
• Conditional Use Permit	• Conditional Use Permit
• Planned Development	• Planned Development

The Tenant Improvement (TI) Permit will replace the Occupancy Review but will still be processed by the Building and Safety Division. It will be applicable to the same types of projects as the current Occupancy Review, except that the TI will only apply to revisions to existing uses or structures. All new uses will be reviewed by the Current Planning Division through the appropriate permit process.

The proposed Site Plan Permit will replace the current Land Use Review (LUR). It will apply to all uses currently allowed with an LUR, plus those new uses that are currently reviewed with an Occupancy Review. All projects must meet the development standards prescribed by the code and no conditions of approval shall be applied. The process cannot be used for projects located on a State highway, within a city sphere of influence or within an area designated as a Redevelopment Area because these projects generally require some type of conditioning to authorize project approval.

The Minor Use Permit will replace the Department Review, a review process that has never really worked as intended. The Minor Use Permit (MUP) will be processed identical to the Conditional Use Permit process with the exception that the MUP will not require a public hearing. If the proposed project fails to satisfy any of the additional findings required to approve a MUP, it shall be processed as a Conditional Use Permit to include a public hearing.

The Conditional Use Permit (CUP) application will be processed in the same manner as the current process except that all CUPs will require a public hearing in accordance with State law.

The Planned Development application will be processed in the same manner as the current process.

The provisions for the subdivision of land have been pulled out of the current Procedures Division and made a division unto itself. Much of the present provisions pertaining to subdivisions is simply a repeat of State law, a practice that has proven to be problematic in the past in that whenever State law changed, our Code was out of date. The proposed revision to the Code has removed the State law provisions and has simply referenced the appropriate section(s) of the Government Code. This has resulted in a streamlined version of the Code.

New Regulations

- **Hillside Grading Standards:** The County has recognized for years the need to address hillside grading and the impacts it has on the environment. With this update, it is now

appropriate to add these provisions to the Code. Hillside Grading Ordinances from a number of other jurisdictions, including Rancho Cucamonga, and from the old Chino Hills Specific Plan were used as a model for these new provisions. These regulations for development within hillside areas are established to:

- Facilitate appropriate hillside development through standards and guidelines for hillside areas;
- Ensure that development in the hillside areas is designed to fit the existing landform;
- Preserve significant features of the natural topography, including swales, canyons, streams, knolls, ridgelines, and rock outcrops;
- Provide a safe means of ingress and egress for pedestrian and vehicular traffic to and within hillside areas;
- Provide alternative approaches to conventional grading practices by achieving development intensities that are consistent with the natural characteristics of hillside areas (e.g., land form, scenic quality, slopes, and vegetation); and
- Encourage the planning, design, and development of sites that provide maximum safety with respect to fire hazards, exposure to geological hazards, drainage, erosion and siltation, and materials of construction; provide the best use of natural terrain; and to discourage development that will create or increase fire, flood, slide, or other safety hazards to public health, welfare, and safety.

These regulations apply to all uses and structures within areas that have a natural slope gradient of 15 percent or greater and that require a Grading Permit. If any one of the following thresholds applies on a particular site, a full analysis and compliance with the hillside grading provisions shall be required and a Hillside Grading Review shall be conducted in compliance with Section 83.08.030 (Hillside Grading Review) of the Code:

- The volume of proposed grading is more than 500 cubic yards.
 - Proposed cut or fill slopes are greater than 15 feet in height.
 - The width of proposed cut or fill slopes is greater than 75 feet.
 - The area of proposed disturbance is more than 50 percent of the site area, or the proposed disturbed area exceeds 10,000 square feet, whichever is less.
 - Proposed cut or fill slopes will be clearly visible and exposed to permanent public view or will be adjacent to designated open space or public lands
- **Infrastructure Improvement Standards:** In keeping with direction to ensure the General Plan is a "policy" document, the Infrastructure Standards are being moved from the General Plan to the Development Code. The purpose of these standards is to establish the infrastructure improvements required for proposed development in order to ensure that the development does not result in fiscal liabilities to County residents. The intent is to require an appropriate range of infrastructure facilities and services to support areas of high intensity development and areas of low intensity development. The requirements are based upon the direct relationship between the intensity of land uses and the amounts of facilities and services that are needed to support the uses. As in the current General Plan, these standards are incorporated into the Code by region -- Valley, Mountain and Desert.

In the late 1990's, the County conducted a study to evaluate its development review procedures and standards as they apply to rural areas of the Mojave Desert. The goal of the study was to evaluate the need to revise these procedures and standards in order to 1)

simplify the process of establishing rural businesses, 2) reduce the cost and time involved to gain approval of development proposals from the County, and 3) avoid enforcing standards and requirements that may be appropriate in other locations or circumstances, but which may be inappropriate or unnecessary within the rural portions of the Mojave Desert. Based on the analysis undertaken for this study, the options available to the County, and community input, the final report made 31 recommendations for the County to implement to address issues affecting rural areas within the Mojave Desert. Some of these recommendation have already been accomplished, some required no action, and the remaining are being implemented through the Development Code Update, including the addition of the Infrastructure Improvement Standards.

- **Landscaping:** In the early 1990's, the Board adopted a set of guidelines that were created to provide sufficient design guidance for the development of small to medium scale projects. Larger scale projects were required also to be designed to accommodate those guidelines, but may have required special design considerations and therefore, additional requirements. As a minimum, those design guidelines provided for the health, safety and welfare of the general public. Landscaping and screening standards were included in these guidelines. Since that time, it has become apparent that these "guidelines" need the force of law behind them. Consequently, a new Landscaping Standards chapter is being added to the Code.

The purpose of the landscaping standards is to:

- Enhance the aesthetic appearance of the County by providing standards related to the quality and functional aspects of landscaping;
- Increase the compatibility between abutting land uses and public rights-of-way by providing landscape screening and buffers;
- Provide for the conservation and protection of water resources through the efficient use of water, appropriate use of plant materials suitable for climate and location, and regular maintenance of landscaped areas; and
- Protect public health, safety, and welfare by preserving property values and enhancing pedestrian and vehicular traffic and safety.

These standards would apply to new uses, structures and subdivisions, as well as existing uses and structures with specific qualifications. Several specified project types are listed as being exempt from the landscaping requirements.

- **Agritourism Enterprises:** In recognition of the desire of the residents in many rural communities in the County to preserve the rural character of their communities while providing some expanded commercial opportunities, the County is proposing to modify the Development Code to facilitate the augmentation of agricultural related commercial activities within the Rural Living, Agriculture and Resource Conservation Land Use Zoning Districts throughout the County. Such expanded uses are being referred to as agritourism. Agritourism is defined as any business conducted by a farmer or rancher for the enjoyment or education of the public, to promote the products of the farm and to generate additional farm income. It also refers to the act of visiting a working farm, ranch, agricultural, or horticultural operation for the purpose of active involvement in the educational, entertainment, or recreational activities offered by the farm or operation.

The new provisions in the Development Code will regulate the establishment and operation of agritourism enterprises in order to maintain and preserve the rural character, integrity,

and property values of surrounding areas in which these uses are located. These regulations include permit requirements and development standards for these uses, with the level of review being dependent upon the size of the operation. They also require that such commercial operations are clearly incidental to the agricultural operations being conducted on-site. The allowable uses under agritourism range widely but include food festivals, food service and wine tasting.

- **Multi-Family Residential Development Standards:** At the October 5, 2006 Commission hearing staff reported on the proposed changes in the zoning designations for the Multiple Residential (RM) Land Use Zoning District. It was noted that currently there are 16 different RM designations that range from 26C-RM (Multiple Residential-2,600 square feet per dwelling unit) to 20M-RM (Multiple Residential-20,000 square feet per dwelling unit). The General Plan Update is proposing to change these designations to just one -- RM (Multiple Residential) -- with an allowed density of up to 20 units per acre. Each proposal for a project within this district would be evaluated on its own merits as to the proper density for a specific site.

In 2003, the County adopted an updated Housing Element for the General Plan, but to date the State Department of Housing and Community Development (HCD) has not certified this document. Staff has been working with the State to correct all deficiencies so that the State will grant certification. This process is nearing completion and staff hopes that all required actions will be accomplished by the adoption the General Plan Update.

As part of this coordination with HCD, the County has agreed to allow the development of smaller scale multiple family housing projects with just the issuance of building permits. No land use approvals would be required. This would apply to projects consisting of 19 units or less. In order to accomplish this, the County needs to develop more comprehensive standards for these type projects and insert them into the Development Code. This additional work is beyond the scope of the contract to prepare the updated Development Code. Consequently, the County has contracted with a consulting team of RFB and Jacobson and Wack consulting firms to perform this additional work. This team has prepared the update to the code so they are simply amplifying their draft document. They are nearing completion of their work for these standards and will be presenting them to staff for review. As soon as they are available, staff will distribute them to the Commission for review and comment.

Proposed Changes to the Draft Development Code

Staff has been reviewing and will continue to review the Development Code for possible errors or areas where there could be improved clarity. As a result, staff has already identified several provisions that should be changed. The first one pertains to the applicability of the new provisions on projects currently be evaluated by staff. The language in Division 1 needs to be changed to emphasize that the new regulations shall only apply to projects submitted to the County after the effective date of the new Code. Consequently, a new Subsection 81.01.090(a) needs to be added to say the following:

81.01.090 – Effect of General Plan Adoption or Development Code Changes on Projects in Progress

- (a) Projects with pending applications.** Applications that have been accepted as complete, in compliance with State law (Government Code Section 65943), by the Department before the effective date of this Development, shall be processed in compliance with the regulations and requirements in effect at the time the application was accepted as complete. Applications for extensions of time shall be consistent with this Development Code.

Another change that has been identified pertains to the Site Plan Permit procedures. Because this permit is a ministerial permit, no conditions may be applied to the approval. The language in Subsection 85.08.020(b) (Applicability) needs to be revised to clarify this issue by saying the following:

85.08.020 – Applicability

- (b) Exceptions.** A Site Plan Permit will not be allowed for any project that is located within a City Sphere of Influence, a designated redevelopment area or along a designated State highway. In such cases, the review and approval of a Minor Use Permit, in compliance with Chapter 85.06 will be required.

Special Community Plan Issues

Muscoy Community Plan: A concern was expressed at the October 5, 2006 hearing that the commercial zoning along State St. might lead to a strip mall type development along that corridor. The desire was to avoid such development. Staff cited an example of a project in the City of Highland that is a smaller type development project but includes a major market chain store. Included in Attachment 5 are some diagrams and pictures of this development. A similar development along State St. in the Muscoy could be accomplished but would probably require the assembling of multiple parcels together to design a quality project that would include shared parking and better ingress from and egress to State St.

A question also arose concerning traffic issues in the plan area due to the anticipated increase in traffic resulting from the construction of the I-210 freeway and the off-ramp at State St. The I-210 project is expected to be completed in the fall of 2007 with the exception of the connector ramps between the I-210 and the I-215 which are not included in that estimated completion date. These connectors will not be completed until late 2009. Traffic in the Muscoy area will also be affected when the planned grade separation on the northern portion of State St. in Muscoy is completed. This overpass will allow traffic to cross over Cajon Blvd. and the railroad tracks that run parallel to Cajon. SANBAG estimates that this grade separation project will begin in early 2007 and will take approximately 2 years to complete.

Phelan/Pinon Hills Community Plan: There were several comments at the October 5, 2006 Planning Commission hearing concerning the proposed change to move the northern boundary of the community plan 3.5 miles south to Palmdale Rd. (Highway 18). Staff has considered those recommendations and agree to leave the northern boundary as originally proposed along Rancho Rd. so that its boundary coincides with the CSD boundary.

In order to protect the major transportation corridor along Highway 18 (Palmdale Rd.) in the northern portion of the plan area from inappropriate residential development that may be incompatible, staff is recommending that the Special Development-Commercial (SD-COM) Land Use Zoning District be placed along both sides of Palmdale Rd. to include 93 parcels

and approximately 563 acres. This area is bounded by the City of Adelanto on the east and Paramount Rd. on the west and runs approximately 660 feet on both the north and south sides of the highway. This change will provide for increased commercial and mixed use opportunities along this corridor and will allow for more comprehensive reviews of projects in this area, leading to better and more appropriate designs for ingress, egress and architectural treatments for the proposed development.

Recommendation

CONTINUE the hearing on the General Plan Update to December 7, 2006 to consider the entire General Plan Update Program including the Environmental Impact Report.

Attachment

1. [Land Use Zoning Districts and Allowed Land Uses](#)
2. [Hillside Grading Standards](#)
3. [Infrastructure Improvement Standards](#)
4. [Landscaping Standards](#)
5. [Agritourism](#)
6. [Proposed Land Use Zoning District Change in Phelan/Pinon Hills Community Plan](#)
7. [Responses to Oral and Written Comments Received at the October 5, 2006 Planning Commission Hearing](#)